

**REMARKS**

The indication of the allowability of Claims 7 and 8 is noted. Those claims having been written in proper independent form should now be allowed.

The rejections of Claims 1-6 and 10 as being anticipated by Kidokoro et al. under 35 U.S.C. §102(b) and of Claims 9 and 13 as being unpatentable over Kidokoro et al. under 35 U.S.C. §103(a) are traversed. Reconsideration of each of these rejections is respectfully requested.

With regard to the §103(a) rejection, a rejection based solely upon a “routine skill in the art” conclusion --without objective evidence to support it-- is almost *per se* insufficient. See, e.g., *In re Thrift*, 63 USPQ2d 2002 (Fed. Cir. 2002) and *In re Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002).

The Kidokoro et al. publication discloses a control unit which has a temperature monitoring under 85 that outputs the signal depending on the temperature of the ECU 50 to the microcomputer 60 as a temperature detection signal. Depending on the temperature detection signal, the microcomputer performs the arithmetic operation for ABS control depending on the detected temperature. (See ¶0050).

If the detected result is not suitable for driving the solenoid (for example, when the MOS transistor 91 is at an excessively high temperature), the output monitoring unit 92 transmits the solenoid drive inhibit signal and the motor

drive inhibit signal to the relay drive unit 79, and also outputs the solenoid drive inhibit signal to the AND circuit 93. (See ¶0052).

In the Kidokoro et al. control unit when the MOS transistor 91 is at an excessively high temperature, the microcomputer 60 continues the operation of the ABS control, although the drives of the solenoid and the motor are inhibited.

This means that there is a danger that the ABS control ECU 50 which consists principally of the microcomputer 60 is in danger of operating incorrectly. There is no teaching or suggestion of the problem or danger which the microcomputer faces under such circumstances or of a solution that stops the execution of microcomputer operation.

The present invention as claimed in Claims 1, 11 and 12 provides a car control unit that guarantees vehicle safety by stopping operation of the control unit when the temperature of a semiconductor device used in a control unit is higher than desired. In Claim 1, this is effected by a car control unit which has an internal temperature detection unit for detecting an internal temperature of said car control unit, a comparison output unit for comparing an internal temperature value concerning said detected internal temperature with a reference value of temperature concerning a temperature at which said semiconductor operates and outputting a signal when said internal temperature value is higher than said reference value of temperature, and a controller for controlling a main power source of said car control unit so as to maintain safe

running of said car according to said output signal. When the internal temperature value is higher than a reference temperature value, the controller controls the main power source of the car control unit so as to maintain safe running of the vehicle by the car control unit stopping the vehicle's operation.

Claims 11 and 12, define the car control unit as having a controller for controlling a main power source of the throttle control unit or the automatic speed change control unit respectively so as to maintain safe running of said car when the internal temperature value is higher than the reference value. The controller thus controls the main power source of the throttle control unit or the automatic speed change control unit to maintain safe vehicle operation, something not even suggested in the cited publication.

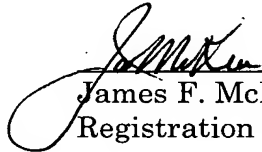
Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056208.52793US).

Respectfully submitted,

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## ABSTRACT OF THE DISCLOSURE

### ~~{OBJECT}~~

~~The present invention relates to a car control unit and more particularly to the~~ A power source control method of thea car control unit in which control ~~takes place according to the control unit temperature or the control of a semiconductor device in the control unit. A problem arises that when the temperature of the semiconductor used in the control unit rises beyond the operation guarantee temperature range thereof, the prevention of malfunctions of the control unit and the safety of the car are not taken into account.~~

### ~~{MEANS FOR SETTLEMENT}~~

The temperature of ~~thea~~ thea throttle device ~~10~~ is detected using ~~thea~~ thermistor 23, ~~and the device temperature~~ and is compared with the reference temperature, ~~for comparison by the comparator 25, and depending~~ Depending on the comparison result, ~~thea~~ thea relay ~~12~~ for controlling the power supply to the throttle device ~~1~~ is controlled.

### ~~{EFFECTS}~~

When the temperature of the throttle control unit rises higher than the reference temperature, the main power source of the throttle device 1 is interrupted, ~~thus the throttle device 1 can be prevented from malfunctions.~~